

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BMO BANK N.A., *f/k/a BMO Harris Bank*
N.A., a national association,

Plaintiff,

v.

SBFS TRUCKING, INC., et al.,

Defendants.

Case No. 1: 24-cv-01260-SAB

ORDER REQUIRING PLAINTIFF TO FILE
NOTICE OF STATUS OF SERVICE

FEBRUARY 18, 2025 DEADLINE

Plaintiff commenced this action on October 16, 2024. (ECF No. 1.) A scheduling conference is currently set for March 18, 2025. (ECF No. 3.) Plaintiff has not returned service documents, and defendants have not filed a responsive pleading.

Rule 4(m) provides that “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.* The order setting the scheduling conference in this matter additionally provides that: “plaintiff shall diligently pursue service of the summons and complaint and dismiss those defendants against whom the plaintiff will not pursue claims . . . [and] plaintiff shall promptly file proofs of service of the summons and complaint so the Court has a record of service.” (ECF No. 3, p. 1.)

1 Accordingly, IT IS HEREBY ORDERED that **no later than February 18, 2025**,
2 Plaintiff shall file a notice regarding the status of service on Defendants SBFS Trucking Inc. and
3 Barinder Singh Gill. Plaintiff is advised that failure to comply with this order may result in the
4 issuance of sanctions, up to and including dismissal of this action.

5
6 IT IS SO ORDERED.

7 Dated: **February 12, 2025**

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

8 STANLEY A. BOONE
9 United States Magistrate Judge
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